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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,564	01/14/2002	Nobuyuki Koike	3169.66103	4686

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EXAMINER

AU, SCOTT D

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 08/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,564

Applicant(s)

KOIKE, NOBUYUKI

Examiner

Scott Au

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 14-19, 28-33 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 14-19, 28-33 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The application of Koike for a "Key information issuing device, wireless operation device, and program" filed August 31, 2001 has been examined.

Claims 1-5, 14-19 and 28-33 and 42 are pending.

Claims 6-13, 20-27 and 34-41 are canceled.

Election/Restrictions

Claims 6-13, 20-27 and 34-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected "Key information issuing device, wireless operation device, and program", there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 21, 2004.

Claim Objections

Claim 1 is objected to because of the following informalities: The amendment A claim 1 is different from the original claim 1 as filed August 31, 2001. The limitations "to a" on line 1 and "to said key information" on line 7 are missing from the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1,15 and 29 are rejected under 35 U.S.C. 102(e) as being unpatentable over by Bonder et al. (US# 6,078,265).

Referring to claim 1, Bonder et al. disclose a key information issuing device (i.e. see Figure 2) issuing key information to a key information retaining device (11) (i.e. intelligent key), comprising:

an authentication module (24) (i.e. scanner) authenticating an issuer of the key information;

an output module (26) (i.e. power/data interface) outputting the key information to said key information retaining unit (11) (i.e. intelligent key); and

a recording module (22) (i.e. memory) recording a mapping of the issued key information to said key information retaining unit (11) (i.e. intelligent key),

wherein the key information is issued in response to an indication of the authenticated issuer (col. 4 lines 5-62 and col. 5 lines 20-62; see Figures 1-2 and 4). It is inherent that the RAM stored issued key information in order to initialize the data or change in the data as or when is required.

Referring to claim 15, Bonder et al. disclose a key information managing method of managing key information issued to a key information retaining device (11) (i.e. intelligent key), comprising: (24) (i.e. scanner) authenticating an issuer of the key information; (21) (i.e. microcontroller) generating key information; (26) (i.e. power/data interface) outputting the key information to said key information retaining unit (11) (i.e.

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intelligent key); and (22) (i.e. memory) recording a mapping of the issued key information to said key information retaining unit (11) (i.e. intelligent key) (col. 4 lines 5-62 and col. 5 lines 20-62; see Figures 1-2 and 4).

Referring to claim 29, Bonder et al. disclose a readable-by-computer recording medium recorded with a program executed by a computer to manage key information issued to a key information retaining device (11) (i.e. intelligent key), comprising: (24) (i.e. scanner) authenticating an issuer of the key information; (21) (i.e. microcontroller) generating key information; (26) (i.e. power/data interface) outputting the key information to said key information retaining unit (11) (i.e. intelligent key); and (22) (i.e. memory) recording a mapping of the issued key information to said key information retaining unit (11) (i.e. intelligent key) (col. 4 lines 5-62 and col. 5 lines 20-62; see Figures 1-2 and 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 16-17 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonder et al. (US# 6,078,265) as applied to claims 1, 15 and 29 above, and further in view of Desai (US# 6,377,173).

Referring to claim 2, Bonder et al. disclose a key information issuing device according to claim 1, wherein said key information retaining device is connected to an information device (col. 4 lines 5-62 and col. 5 lines 20-62; see Figures 1-2 and 4).

However, Bonder et al. did not explicitly disclose wherein said key information retaining device is a wireless operation device wirelessly connected to an information device and includes a key information input module inputting the key information in contact with said key information issuing device, and said output module includes a contact module outputting the key information in contact with said key information input module.

In the same field of endeavor of security system, Desai discloses wherein said key information retaining device (37) (i.e. key/fob combination) is a wireless operation device wirelessly connected to an information device (22) (i.e. control located in the vehicle) and includes a key information input module (48) (i.e. key pad) inputting the key information in contact with said key information issuing device (22), and said output module includes (i.e. transmitter of the control 22) a contact module outputting the key information in contact with said key information input module (col. 1 lines 50-57, col. 2 line 45 to col. 12 and col. 3 line 53 to col. 4 line 14; see Abstract and Figure 1) in order train the fob with the desire operation functions.

One of ordinary skill in the art understands that wireless operation system of Desai is desirable in the key programming device of Bonder et al. because Bonder et al. suggest that in an alternative embodiments, the motor vehicle could be any type of motor vehicle such as truck, bus, motorcycle, boat, snowmobiles, etc. Moreover, the security system could be utilized to control and grant access to a secure area such as a building, room, vault, cabinet or grant access to a secure database or any type of secure system (col. 3 line 63 to col. 4 lines 5) and Desai discloses the vehicle control teaches code to the key/fob combination. A series of steps to move the key/fob combination into a learn mode is utilized, and then the code is then taught from the vehicle scanning receiver to the key/fob combination. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include key information retaining device (37) (i.e. key/fob combination) is a wireless operation device wirelessly connected to an information device (22) (i.e. control located in the vehicle) and includes a key information input module (48) (i.e. key pad) inputting the key information in contact with said key information issuing device (22), and said output module includes (i.e. transmitter of the control 22) a contact module outputting the key information in contact with said key information input module of Desai in the information issuing device of Bonder et al. with the motivation for doing so would allow the retaining device to communicate wirelessly with the issuing device as an alternative way of communicating through physical contact.

Referring to claim 16, Bonder et al. disclose a key information managing method according to claim 15, claim 16 is equivalent to that of claim 2 addressed above, incorporated herein. Therefore, claim 16 is rejected for same reasons given with respected to claim 2.

Referring to claim 30, Bonder et al. disclose a readable-by-computer recording medium recorded with a program according to claim 29, claim 30 is equivalent to that of claims 2 and 16 addressed above, incorporated herein. Therefore, claim 30 is rejected for same reasons given with respected to claims 2 and 16.

Referring to claim 3, Bonder et al. disclose a key information issuing device according to claim 1, Desai discloses further wherein said key information retaining device is a wireless operation device wirelessly connected to an information device and includes a medium input module (48) (i.e. key pad) inputting information from a recording medium, and said output module (i.e. transmitter of the vehicle control) includes a recording medium write module writing the information to said recording medium, and issues the key information through said recording medium (col. 1 lines 48-57, col. 2 line 45 to col. 12 and col. 3 line 53 to col. 4 line 14; see Abstract and Figure 1). It is inherent for the key/fob and vehicle control with recording medium within in order to store the codes.

Referring to claim 17, Bonder et al. disclose a key information managing method according to claim 15, claim 17 is equivalent to that of claim 3 addressed above, incorporated herein. Therefore, claim 17 is rejected for same reasons given with respected to claim 3.

Referring to claim 31, Bonder et al. disclose a readable-by-computer recording medium recorded with a program according to claim 29, claim 31 is equivalent to that of claims 3 and 17 addressed above, incorporated herein. Therefore, claim 31 is rejected for same reasons given with respected to claims 3 and 17.

Claims 4-5,14,18-19,28,32-33 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonder et al. (US# 6,078,265) as applied to claims 1,15 and 29 above, and further in view of Weiss et al. (US# 6,522,240).

Referring to claim 4, Bonder et al. disclose a key information issuing device according to claim 1. However, Bonder et al. did not explicitly disclose wherein said key information retaining device is a wireless operation device wirelessly connected to an information device and includes a near communication module incapable of performing communications beyond a predetermined distance, and said output module includes a near communication module incapable of performing the communications

with said key information retaining device beyond a predetermined distance, and issues the key information through said near communication module.

In the same field of endeavor of information issuing device, Weiss et al. disclose wherein said key information retaining device is a wireless operation device wirelessly connected to an information device and includes a near communication module incapable of performing communications beyond a predetermined distance, and said output module includes a near communication module incapable of performing the communications with said key information retaining device beyond a predetermined distance, and issues the key information through said near communication module (col. 3 lines 21-28 and col. 4 lines 1-10). (i.e. The near communication module of retaining device is incapable of communicating with the output module of the issuing device when is out-of-ranged).

One of ordinary skill in the art understands that the base station communicate with the control element of Weiss et al. is desirable in the communication between the intelligent key and the programming device of Bonder et al. because Bonder et al. suggest the security system of the present invention could be utilized in an embodiments to control and grant access to a secure area such as a building, room, vault, cabinet, safety deposit box, etc., or to control and grant access to a secure database or any other secure system wherein control and access concerns secure or secret matters (col. 3 line 63 to col. 4 line 4) and Weiss et al. disclose a base station 10 can, for example, be a part of the access control system of an automobile or of a building, or it can belong to a computer, for example, or another appliance. A device

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which is here referred to as a control element 20 is functionally assigned to base station 10 and acts on it without physical contact (col. 1 line 63 to col. 2 line 5). Weiss et al. disclose further the gap 30 between base station 10 and control element 20 for transmission of signals, which are transmissible with no contact, between base-station and activation-element transmit/receive devices 11 and 21, respectively. Signals emanating from base-station transmit/receive device 11 reach all control elements 20 within its range simultaneously. Infrared signals or high-frequency signals are advantageously employed as signals (col. 3 lines 21-28). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the key information retaining device is a wireless operation device wirelessly connected to an information device and includes a near communication module incapable of performing communications beyond a predetermined distance, and said output module includes a near communication module incapable of performing the communications with said key information retaining device beyond a predetermined distance, and issues the key information through said near communication module of Weiss et al. in the information issuing device of Bonder et al. with the motivation for doing so would allow the retaining device to gain access to a secured system.

Referring to claim 18, Bonder et al. disclose a key information managing method according to claim 15, claim 18 is equivalent to that of claim 4 addressed above,

incorporated herein. Therefore, claim 18 is rejected for same reasons given with respected to claim 4.

Referring to claim 32, Bonder et al. disclose a readable-by-computer recording medium recorded with a program according to claim 29, claim 32 is equivalent to that of claim 4 and 18 addressed above, incorporated herein. Therefore, claim 32 is rejected for same reasons given with respected to claims 4 and 18.

Referring to claim 5, Bonder et al. disclose a key information issuing device according to claim 1, Weiss et al. disclose further comprising: a receiving module (11) (i.e. transmitter/receiver) receiving wireless signals from said key information retaining device; and a decoding module (12) (i.e. decoder) decoding the information contained in the wireless signals and (i.e. encoder) encrypted with the key information (col. 2 lines 6-39; see Figure 1).

Referring to claim 19, Bonder et al. disclose a key information managing method according to claim 15, claim 19 is equivalent to that of claim 5 addressed above, incorporated herein. Therefore, claim 19 is rejected for same reasons given with respected to claim 5.

Referring to claim 33, Bonder et al. disclose a readable-by-computer recording medium recorded with a program according to claim 29, claim 33 is equivalent to that of claim 5 and 19 addressed above, incorporated herein. Therefore, claim 33 is rejected for same reasons given with respected to claims 5 and 19.

Referring to claim 14, Bonder et al. disclose a key information issuing device according to claim 1, Weiss et al. disclose wherein said key information retaining device is an electronic key that unlocks a predetermined area (col. 1 lines 64-67). Weiss disclose a base station 10 is an access control system of an automobile or of a building by using the control element 20 to unlock within the accessing range.

Referring to claim 28, Bonder et al. disclose a key information managing method according to claim 15, claim 28 is equivalent to that of claim 14 addressed above, incorporated herein. Therefore, claim 28 is rejected for same reasons given with respected to claim 14.

Referring to claim 42, Bonder et al. disclose a readable-by-computer recording medium recorded with a program according to claim 29, claim 42 is equivalent to that of claims 14 and 28 addressed above, incorporated herein. Therefore, claim 28 is rejected for same reasons given with respected to claims 14 and 28.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heitschel et al. (US# Re. 36,703) disclose coding system for multiple transmitters and a single receiver for a garage door opener.

Erlin (US# 5,973,756) discloses IR transmitter with intergral magnetic stripe ATM type credit card reader and method therefor.

Crimmins et al. (US# 6,181,255) disclose multi-frequency radio frequency transmitter with code learning capabilty.

Any inquiry concerning this communication or earlier communications form the examiner should be directed to Scott Au whose telephone number is (703) 305-4680. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-3906.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au



MICHAEL HORABIK
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